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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION
This Document Relates to Plaintiff
Stacy Miller
2:17-cv-00395-DGC

No. MD-15-02641-PHX-DGC

AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS AND JURY DEMAND

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Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

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Plaintiff/Deceased Party:

Stacy Miller (Deceased)

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

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3. Other Plaintiff and capacity (i.e. administrator, executor, guardian, conservator):

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Ashley Marshall, as Administrator of the Estate of Stacy Miller, Deceased

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4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

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Stacy Miller (Deceased) - Kentucky

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

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Stacy Miller (Deceased) - Ohio

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6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

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Stacy Miller (Deceased) - N/A; Ashley Marshall - Ohio

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1	7.	District Court and Division in which venue would be proper absent direct			
2		filing:			
3		United States District Court, Eastern District of Kentucky			
4	8.	Defendants (check Defendants against whom Complaint is made):			
5		☑ C.R. Bard Inc.			
6		■ Bard Peripheral Vascular, Inc.			
7	9.	Basis of Jurisdiction:			
8		□ Diversity of Citizenship			
9		Other:			
10		Other allegations of jurisdiction and venue not expressed in Master			
11		Complaint:			
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14					
15	10.	Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is (are) making			
16		a claim (check applicable Inferior Vena Cava Filter(s)):			
17		☐ Recovery [®] Vena Cava Filter			
18		☐ G2 [®] Vena Cava Filter			
19		☐ G2 [®] Express (G2 [®] X) Vena Cava Filter			
20		☐ Eclipse [®] Vena Cava Filter			
21		☐ Meridian [®] Vena Cava Filter			
22		☐ Denali® Vena Cava Filter			
23		☑ Other: <u>Bard</u>			
24	11.	Date of implantation as to each product:			
25		04/05/07			
26					
27	12.	Counts in the Master Complaint brought by Plaintiff(s):			
28					

1		\boxtimes	Count II:	Strict Products Liability - Information Defect (Failure to		
2			Warn)			
3		\boxtimes	Count III:	Strict Products Liability – Design Defect		
4		\boxtimes	Count IV:	Negligence - Design		
5		\boxtimes	Count V:	Negligence - Manufacture		
6			Count VI:	Negligence – Failure to Recall/Retrofit		
7		\boxtimes	Count VII:	Negligence – Failure to Warn		
8		\boxtimes	Count VIII:	Negligent Misrepresentation		
9		\boxtimes	Count IX:	Negligence Per Se		
10		\times	Count X:	Breach of Express Warranty		
11		\times	Count XI:	Breach of Implied Warranty		
12		\boxtimes	Count XII:	Fraudulent Misrepresentation		
13		\times	Count XIII:	Fraudulent Concealment		
14			Count XIV:	Violations of Applicable (insert state) Law		
15			Prohibiting C	Consumer Fraud and Unfair and Deceptive Trade Practices		
16			Count XV:	Loss of Consortium		
17		\boxtimes	Count XVI: Wrongful Death			
18		\boxtimes	Count XVII: Survival			
19		\boxtimes	Punitive Damages			
20			Other(s): (please state the facts			
21			supporting this Count in the space immediately below)			
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24						
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26	13.	13. Jury Trial demanded for all issues so triable?				
27		\times	Yes			
28			No			

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1	RESPECTFULLY SUBMITTED thi	s 4th day of May 2018.
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3		LAW OFFICES OF BEN C. MARTIN
4		
5	By:	/s/ Ben C. Martin
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12		Facsimile: 214.744.7590
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14		ATTORIVETS FOR I LARVITET
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CERTIFICATE OF SERVICE I hereby certify that on theh 4t day of May 2018 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing. Ben C. Martin Ben C. Martin